

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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In the Matter of WESLEY CHEATHAM, JR.,  
DOMINICK JENNINGS, and NICHOLE  
CHEATHAM, Minors.

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DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

MICHAEL BENNETT and KEA N. JENNINGS,

Respondents-Appellants,

and

WESLEY R. CHEATHAM,

Respondent.

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UNPUBLISHED

June 14, 2007

No. 274399

Berrien Circuit Court

Family Division

LC No. 2005-000063-NA

Before: Davis, P.J., and Hoekstra and Donofrio, JJ.

PER CURIAM.

Respondent mother Kea Jennings appeals as of right from the trial court order terminating her parental rights to Wesley, Jr., Dominick, and Nichole under MCL 712A.19b(3)(c)(i). Respondent father Michael Bennett appeals as of right from the trial court order terminating his parental rights to Dominick under MCL 712A.19b(3)(g). We affirm. This case is being decided without oral argument under MCR 7.214(E).

Respondent mother argues that the trial court clearly erred in terminating her parental rights because she should have been afforded more time because of her financial problems and low IQ. We find that the trial court did not clearly err in finding that petitioner established that the conditions of adjudication continued to exist and that there was no reasonable likelihood that they would be rectified within a reasonable time considering the children's ages. The conditions leading to adjudication were lack of supervision of the children, that the children were dirty and hungry, and unsafe housing, including lack of utilities. Respondent mother did not have stable housing at the time of termination. Supervision continued to be an issue; respondent mother could not handle all three children at once, even in the small visitation room, and there were concerns about the children's safety at every visit. Respondent mother had one and a half years

to rectify these conditions but made little progress. She did not cooperate with a therapy referral and she was inconsistent with her parent aide, someone who would have provided direct assistance with parenting skills. Although respondent mother had made sufficient progress at one point in the case that the older two children were returned, conditions worsened after the children's return and they were again removed from her care. There was no indication that respondent mother would be able to rectify the conditions leading to adjudication within a reasonable time considering the children's young ages.

The trial court also did not clearly err in its best interest determination. Termination of parental rights is mandatory if the trial court finds that the petitioner established a statutory ground for termination, unless the court finds that termination is clearly not in the child's best interest. *In re Trejo*, 462 Mich 341, 344; 612 NW2d 407 (2000). The foster care worker testified that visits were chaotic and that she had concerns for the safety of the children at all visits. The children's behavior improved after visits with respondent mother were suspended. Although respondent mother may have enjoyed a bond with her children, her inability to properly supervise them during visits and her lack of progress toward reunification support the trial court's best interest determination.

The trial court also did not clearly err in finding that petitioner established that respondent father failed to provide proper care and custody for Dominick. Because respondent father did not participate in reunification services and only inconsistently provided drug screens, the foster care worker did not know if he was employed or if he was abusing substances. Respondent father had no relationship with Dominick and, although he tried to establish one, his efforts were futile after he missed a few visits with the child. It is clear from respondent father's lack of dedication to the reunification process that he was not ready and able to provide proper care and custody for Dominick and that he would not be able to do so within a reasonable time considering Dominick's young age.

The trial court also did not clearly err in its best interest determination. Dominick was harmed by the instability in his young life, mostly due to the instability in respondent mother's life. However, respondent father was not able to develop a relationship with Dominick and visitation was suspended after he missed visits, damaging whatever bond they had, and Dominick began to show odd behavior. The behavior improved after visits with both respondent parents were suspended. While the behavior likely was not a result of visits with respondent father, the lack of bond between respondent father and Dominick supported the trial court's best interest determination.

Affirmed.

/s/ Alton T. Davis  
/s/ Joel P. Hoekstra  
/s/ Pat M. Donofrio